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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|---|----------------------|-------------------------|------------------|
| 09/926,568 | 11/19/2001 | Bernhard Mohr | 215850US0PCT | 8679 |
| 22850 | 7590 03/04/2003 | | | |
| | OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. | | EXAMINER | |
| 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | TRUONG, DUC | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1711 | |
| | | | DATE MAILED: 03/04/2003 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary Description Column | | T | A9- | 7 | | | | |
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| Examiner Duc Truong 17/11 | • | Application No. | Applicant(s) | | | | | |
| Duc Truong | Office Action Summer | 09/926,568 | MOHR ET AL. | | | | | |
| The MALING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Edenteers of this map has evaluated the providence of 3 CPR 1.13(c). In no event, however, may a reply be timely filled Edenteers of this provide state under the providence of 3 CPR 1.13(c). In no event, however, may a reply be timely filled Edenteers of the thing providence of the | Onice Action Summary | Examiner | Art Unit | \exists | | | | |
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| THE MAILING DATE OF THIS COMMUNICATION. Extresions of time may be available under the provision of 3 CPR 1179(b). In or event, however, may a reply be timely filed Extresions of time may be available under the provision of 3 CPR 1179(b). In or event, however, may a reply be timely filed If the ported for reply secified above in less than them (00) dates, and provided them to the provision of | Period for Reply | | | | | | | |
| 1) Responsive to communication(s) filed on | THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | | | | | |
| 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-20 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) accepted on is: a) approved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received in Application No. application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. | 1) Responsive to communication(s) filed on | · | | | | | | |
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| Solution | 4) Claim(s) 1-20 is/are pending in the application | ı . | • | | | | | |
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| 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) All Interview Summary (PTO-413) Paper No(s). 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) All Interview Summary (PTO-413) Paper No(s). Solution of Informal Patent Application (PTO-152) | application from the International Bureau (PCT Rule 17.2(a)). | | | | | | | |
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| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152) | | | | | | | | |
| | 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) Notice of I | | | | | | |

DETAILED ACTION

Election/Restrictions

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- (1) homocondensates of basic amino acids,
- (b) condensates of mixtures of two or more basic amino acids, and
- (3) cocondensates of basic amino acids and cocondensable compounds.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Group I: Claims 1 with claims related to homocondensates of basic amino acids,

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Group II: Claim 1 with claims related to condensates of mixtures of two or more basic amino acids, and

Group III: Claim 1 with claims related to cocondensates of basic amino acids and cocondensable compounds.

The following claim(s) are generic: claims 1 and 16.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: **

Each Group has different special teachnical feature.

Group I requires the homocondensates of basic amino acids with alkylene oxides, Group II requires the condensates of mixtures of two or more basic amino acids with alkylene oxides, and

Group III requires the cocondensates of basic amino acids and cocondensable compounds with alkylene oxides*.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Truong whose telephone number is 703-308-2437. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703-308-2462. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9791 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

DT March 3, 2003 DUCTRUONG PRIMARY EXAMINER

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